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In re Application of: Massao Jinno et al. :
Application No.: 10/573,991 :
PCT Application No.: PCT/JP04/014707 : DECISION ON COMBINED
Int. Filing Date: 29 September 2004 : DECLARATION AND
Priority Date Claimed: 30 September 2003 : POWER OF ATTORNEY
Attorney Docket No.: 1018961-000077 :
For: Centrifuging Setting Tube and Organic Cell
Collection Tube.

This is in response to the Combined Declaration/Power of Attorney filed 29 September 2006, wherein the second inventor, Tamotsu Inoue, is indicated as deceased, and a Legal Representative, Futoshi Inoue, for the deceased inventor executed the Combined Declaration/Power of Attorney for and on behalf of the deceased inventor. The Combined Declaration/Power of Attorney does not meet the requirement of 37 CFR 1.497(a)(3).

37 CFR 1.497(a)(3) requires that the declaration "identifies each inventor and the country of citizenship of each inventor". The Application Data Sheet (ADS) filed on 29 September 2006, with the request, discloses the name and citizenship of the deceased inventor. The naming of the inventors and the setting forth of the citizenship of each inventor must be provided in the oath or declaration, even if this information is provided in the ADS. See MPEP 601.05, Rev. 05 August 2006, p. 600- 26, right column, paragraph 2.

The Notice of Acceptance of the Application under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 12 January 2007 is hereby VACATED.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905), which should indicate a new oath or declaration must be submitted.



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